

ORDINANCE NO. 1812-12

AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING THE CODES OF THE BOROUGH OF MIDDLESEX CHAPTER 420-24, OUTDOOR STORAGE OF RECREATIONAL VEHICLES AND BOATS

WHEREAS, the Municipal Land Use Law of the State of New Jersey, N.J.S.A. 40:55D-1, et seq., grants to municipalities the power to adopt a zoning ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey as follows:

SECTION ONE. The Code of the Borough of Middlesex, Middlesex County, New Jersey Section 420-7 Definitions and Section 420-24 Outdoor Storage of Recreational Vehicles and Boats and Section 248-17, are hereby amended as follows:

420-7 Definitions.

YARD – An open space on a lot, lying between the principal building and the nearest lot line, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

A. FRONT YARD

— An open, unoccupied space within and extending the full width of the lot between the front wall of a building and front lot line. For corner lots, the front shall coincide with the front door. The secondary street shall be considered a side yard and shall require twice the setback as required for interior lots.

B. REAR YARD

— An open, unoccupied space within and extending the full width of the lot between the rear wall of the building and the rear lot line.

C. SIDE YARD

— An open, unoccupied space within the lot between the principal structure and the side property line.

420-24. Outdoor storage for recreational vehicles and boats.

B. Trailer recreational vehicles, trailers, and boats are permitted in residential zone and shall be stored in a private garage, in the rear yard, or on an impervious or gravel surface in the side yard providing a minimum 2-foot setback from the side property line. No part of the recreational vehicle, trailer, or boat shall extend into the front yard area. No matter where a trailer recreational vehicle, trailer, or boat is parked on the property in a residential zone, it must be currently registered with the DMV and must be readily operable. Any material used to cover or protect the vehicle must be maintained in good condition.

(1) Such vehicles and trailers shall be registered with the Zoning Officer prior to parking or storing on the property, provided however that all such vehicles already on the property as of June 1, 2012 must be registered on or prior to August 31, 2012.

(2) Storage of such vehicles and trailers must be in compliance with all laws, statutes and ordinances, including, but not limited to Sections 248-17, 420-23 and 420-24 of the Code of the Borough of Middlesex, as may be amended.

(3) The owner of such vehicle and trailers being registered must be the owner or legal resident occupying the property upon which the owner seeks to park or store such vehicle.

(4) At the time of registration of such vehicle and any trailer with the Zoning Officer, if the owner of such vehicle or trailer reasonably believes that he/she cannot comply with the applicable ordinances, specifically Sections 420-23 and 420-24 of the Code of the Borough of Middlesex, as may be amended, the owner may submit a letter to the Zoning Officer of the Borough, or his/her designee, seeking administrative relief from the provisions of the applicable ordinances. Nothing herein shall limit the ability of the owner of such vehicle and trailer from making application for relief from the Zoning Board of the Borough of Middlesex without first submitting a letter seeking administrative relief from the provisions of the applicable ordinances.

(5) After August 31, 2012, all vehicles and trailers registered and parked/stored must comply with the provisions of the applicable ordinances of the Code of the Borough of Middlesex then in effect. Accordingly, after August 31, 2012, the Zoning Officer shall not process any new applications for administrative relief from the provisions of Sections 420-23 and 420-24 of the Code of the Borough of Middlesex. Nothing herein shall limit the ability of the owner of such vehicles from making application for relief from the Planning or Zoning Boards of the Borough of Middlesex.

(6) The Zoning Officer or his/her designee may require such additional information from the owner of such vehicle and trailer and/or property as is necessary to determine whether administrative relief may be granted. Upon determination by the Zoning Officer or his/her designee to grant administrative relief, the relief so granted shall be limited to the owner of that specifically registered vehicle and trailer at the specific property upon which the registration indicates the vehicle and trailer shall be parked/stored. The relief granted shall not be transferable should the owner obtain a new or different vehicle or trailer, nor shall the relief granted be transferrable by the owner of the property or the vehicle and trailer so registered hereunder to any subsequent property owner or subsequent vehicle or trailer owner in any manner whatsoever.

(7) The relief granted hereunder shall only apply to one such vehicle and trailer at any given property, without regard to ownership of vehicles or trailers by other residents of the property. If relief is sought hereunder, or obtained hereunder, and a second or subsequent such vehicle and trailer is registered at that property, all vehicles and trailers, including the vehicle and trailer for which relief was granted hereunder, shall be required to comply with the provisions of Sections 420-23 and 420-24 of the Code of the Borough of Middlesex. Accordingly, any prior granted relief shall become void upon submission of registration of any additional recreational vehicle and trailer at such property, without regard to ownership of the subsequently registered recreational vehicle and trailer.

(8) For purposes of registration and the relief granted hereunder, trailers used for recreational vehicles and boats shall be subject to the same restrictions and limitations as the recreational vehicles and boats towed thereby.

(9) If, however, the owner of a registered recreational vehicle or boat desires to obtain a replacement trailer for that registered recreational vehicle or boat, and no other improvements or changes to the property are sought, that owner shall make application to the Zoning Board of Adjustment for use variance relief without submission of a site plan and such relief may be granted by the Zoning Board of Adjustment in its sole and independent judgment.

(10) Any violation of this section, including failure to properly register a recreational vehicle, boat, or trailer shall result in the imposition of a fine of \$50.00 per day.

(11) All recreational vehicles, boats and trailers, no matter where parked (residential zone, or non-residential zone, garage, backyard or sideyard) must be currently registered with the DMV (however, it does not have to be registered to the owner of the property); must be "mobile" at all times (no flat tires on recreational vehicles or trailer, no boat placement on "cradles" of any sort); the recreational vehicle, boat or trailer and/or any material covering or protecting the recreational vehicle, boat or trailer, must be maintained and operational and shall not display wear and tear above and beyond normal and reasonable wear.

248-17.A(3) is omitted in its entirety.

SECTION TWO. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION THREE. This Ordinance may be renumbered for codification purposes.

SECTION FOUR. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION FIVE. This Ordinance shall take effect 20 days after passage and publication as provided by law.

ATTEST:

BOROUGH OF MIDDLESEX

Kathleen Anello, RMC
Borough Clerk

By: _____
Ronald S. Dobies
Mayor

INTRODUCED: May 22, 2012

DATE OF PUBLICATION
OF INTRODUCTION: May 25, 2012

DATE INTRODUCED
AS AMENDED: June 12, 2012

DATE OF PUBLICATION
OF AMENDMENT: June 18, 2012

FINAL ADOPTION:

DATE OF PUBLICATION
OF ADOPTION: